

## **REMARKS/ARGUMENTS**

Claims 1-20 are pending herein. The amendment to claim 1 is supported by Figs. 1 and 2 and in the specification at pages 5-7, for example. The language added to claim 1 via the Amendment filed August 14, 2007 has been removed since it was not given any weight by the PTO in the pending Office Action. Applicants respectfully submit that no new matter has been added.

Examiner Olsen is thanked for courtesies extended to Applicants' representatives during a telephonic interview on January 7, 2008. The substance of that interview has been incorporated into the following remarks. During the interview, Examiner Olsen confirmed that the amendments to claim 1 submitted above would raise new issues After Final Rejection and thus would not be entered without an RCE.

1. Claims 1-8 and 13-20 were rejected under §102(b) over Müller, and claims 1, 2, 5, 6, 13, 14, 17 and 18 were rejected under §102(b) over WO '302. To the extent that these rejections may be applied against the amended claims, they are respectfully traversed.

Amended claim 1 recites a gas sensor comprising a gas detecting section and a heater section secured in the gas sensor. The heater section includes a heating element sandwiched between two porous layers that define a support which supports at least the heating element. Amended claim 1 further recites a reference gas space extending along a longitudinal direction of a gas sensor and an opening section extending substantially perpendicular to the reference gas space to provide communication

between the reference gas space and the heater section so as to reduce pressure generate between the heating element and a support.

Müller discloses an electrochemical sensor having an elongated solid electrolyte body and electrodes covered by a trough-like cover element. WO '302 discloses an electrochemical sensor element including at least one measuring electrode and at least one reference electrode which are exposed to a measuring gas. The sensor disclosed in WO '302 further includes at least one heating device and a reference gas channel through which the reference gas is supplied to the reference electrode. The reference electrode is connected to the reference gas channel via a porous layer.

Amended claim 1 is distinguishable from Müller because Müller fails to disclose a gas sensor having an opening section that extends substantially perpendicular to a reference gas space and provides communication between the reference gas space and the heater section. Amended claim 1 is distinguishable from WO '302 because WO '302 fails to disclose an opening section that extends substantially perpendicular to a reference gas space that provides communication between the reference gas space and a heater section having a heating element sandwiched between two porous layers, as claimed. During the interview, Examiner Olsen tentatively agreed that the amendment to claim 1 should distinguish the present invention from Müller and WO '302.

Based on the above, Müller and WO '302 fail to disclose each and every element of amended claim 1. Accordingly, Applicants respectfully request that Examiner Olsen reconsider and withdraw these rejections.

2. Claims 3, 4, 7, 8, 15, 16, 19 and 20 were rejected under §103(a) over WO '302 in view of Müller, and claims 9-12 were rejected under §103(a) over Müller, WO '302, or WO '302 in view of Müller, and further in view of Haecker. These rejections are respectfully traversed because all of these claims ultimately depend from amended claim 1, and amended claim 1 is patentable for the reasons explained above.


For at least the foregoing reasons, Applicants respectfully submit that all pending claims herein define patentable subject matter over the art of record.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

January 16, 2008  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Stephen P. Burr  
Reg. No. 32,970

Joseph A. Wilson  
Reg. No. 53,780

SPB:JAW:jms

BURR & BROWN  
P.O. Box 7068  
Syracuse, NY 13261-7068

Customer No.: 025191  
Telephone: (315) 233-8300  
Facsimile: (315) 233-8320